

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JACQUES RIVERA,
Plaintiff,

v.

REYNALDO GUEVARA, et al.
Defendants.

)
) Case No. 12 C 4428
) Judge Joan B. Gottschall
) Mag. Judge Mary M. Rowland
) JURY TRIAL DEMANDED
)
)

**DEFENDANT CITY OF CHICAGO’S MOTION FOR LEAVE TO FILE A SUR-
REPLY AND LEAVE TO FILE BRIEF UNDER SEAL**

Defendant City of Chicago, by its respective undersigned attorneys, hereby moves this Honorable Court to grant it leave to file a Sur-Reply in response to Plaintiff’s Reply in support of his Motion to Compel Production of *Monell* Related Discovery. Defendant City further moves for leave to file its Sur-Reply under seal. In support thereof, Defendant City states as follows:

1. On March 5, 2015, Plaintiff filed a Motion to Compel production of documents related to his “street files” theory. This is one of several Motions Plaintiff has filed on this issue.
2. In his most recent Motion, Plaintiff requested the Court order production of 138 Records Division Files to “compare” to the Investigative Files the City produced at an earlier stage in this litigation as a result of the lineup project, an unrelated area of discovery.
3. Just days prior to the date the City’s response to Plaintiff’s motion to compel was due, Plaintiff produced 14 Records Division files that he had obtained via a request to the Chicago Police Department pursuant to the Freedom of Information Act (“FOIA”). These Records Division files are among the same documents Plaintiff moves for production of in his Motion to Compel. In fact, as a result of this production, the City requested Plaintiff agree to a one-week extension to file its response so that its counsel could review the documents.

4. On April 15, 2015 Plaintiff filed his Reply to his Motion to Compel. (Dkt. 183). In that Reply, Plaintiff raises for the first time specific allegations regarding two of the files he received from his FOIA request. Plaintiff did not reference these files in his Motion to Compel, nor is it apparent from reviewing these files alone how they relate to or support Plaintiff's arguments in his opening brief.

5. Accordingly, the City did not have an opportunity to respond to the new arguments and new material raised by Plaintiff in his Reply. For this reason, Defendant City requests leave to file a Sur-Reply.

6. The City recognizes that the Court's time is valuable and does not wish to burden it with lengthy pleadings. For this reason, the City's Sur-Reply is brief.

7. Additionally, Defendant City requests leave to file its Sur-Reply under seal. In referencing the new documents he received via his FOIA request, Plaintiff also makes reference to the corresponding Investigative Files which the City produced pursuant to the protective order entered in this case. Accordingly, Plaintiff requested, and was granted permission, to file his reply brief under seal. Because the City's Sur-Reply references the same documents produced pursuant to the protective order, the City respectfully requests leave to file its Sur-Reply under seal.

8. Because the City seeks leave to file its brief under seal, the City has attached a copy of its Sur-Reply to the Court's courtesy copy as "Exhibit A" to this motion and has provided a copy to Plaintiff's counsel.

WHEREFORE, Defendant City of Chicago respectfully request that this Honorable Court grant it leave to file a Sur-Reply brief in response to Plaintiff's Reply in Support of his Motion to Compel and leave to file its brief under seal.

Dated: April 22, 2015

Respectfully Submitted,
DEFENDANT CITY OF CHICAGO,

By: s/ Eileen E. Rosen

One of its Attorneys

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